

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:	§	
	§	
JOSEPH ANTHONY DOWDALL,	§	Case No. 24-42950
	§	
Debtor.	§	Chapter 7
	§	
<hr style="border: 1px solid black;"/>		
MMWKM ADVISORS, LLC,	§	
	§	
Plaintiff,	§	Adversary No. 25-04025
	§	
v.	§	
	§	
JOSEPH ANTHONY DOWDALL,	§	
	§	
Defendant.	§	

**ORDER GRANTING IN PART AND DENYING IN PART
AMENDED MOTION TO DISMISS FOR LATE FILING**

THIS CASE is before the court on the Amended Motion to Dismiss for Late Filing (Dkt. 6) (the “Motion”) filed by Joseph Anthony Dowdall (“Debtor” or “Defendant”). The Court having reviewed the Motion, the response filed by MMWKM Advisors, LLC (“Plaintiff”), and the arguments of counsel, the Court has determined that the Motion is due to be granted in part and denied in part.

The Court finds that Plaintiff’s Complaint (Dkt. 1) is untimely with respect to Counts I and II under 11 U.S.C. §§ 523(a)(6) and 523(a)(4).

The Court further makes the following findings regarding Plaintiff’s Complaint (Dkt. 1) with respect to Count III under 11 U.S.C. § 727(a)(2):

- (a) The deadline for Plaintiff to file the Complaint under 11 U.S.C. § 727(a)(2) was April 24, 2025;

- (b) Plaintiff filed its Complaint to Determine Dischargeability (Dkt. 34) (“Complaint”) at 12:07 A.M. on April 25, 2025;
- (c) Defendant was not prejudiced by the time of filing of the Complaint with respect to Count III;
- (d) Plaintiff attempted in good faith to file the Complaint on April 24, 2025;
- (e) The untimeliness of the filing of the Complaint was *de minimis* with respect to Count III; and
- (f) In equity, the Complaint should be taken as timely filed with respect to Count III.

The Court therefore finds that the Motion should be granted with respect to Counts I and II of Plaintiff’s Complaint (Dkt. 1) under 11 U.S.C. §§ 523(a)(6) and 523(a)(4). The Court finds that the Motion should be denied with respect to Count III of Plaintiff’s Complaint (Dkt. 1) under 11 U.S.C. § 727(a)(2). It is therefore

ORDERED that the Motion is **GRANTED** with respect to Counts I and II of Plaintiff’s Complaint (Dkt. 1), and that the Motion is **DENIED** with respect to Count III of Plaintiff’s Complaint (Dkt. 1), and the above-captioned adversary proceeding shall proceed on Count III of Plaintiff’s Complaint.

Honorable Joshua P. Searcy
United States Bankruptcy Judge

Prepared by:

/s/ Patrick Yarborough

Patrick Yarborough

Texas Bar No. 24084129

patrick@fosteryarborough.com

Luke Ott

Texas Bar No. 24116864

luke@fosteryarborough.com

917 Franklin Street, Suite 220

Houston, Texas 77002

Counsel for Creditor-Plaintiff

MMWKM Advisors, LLC